Docket No.:

ICUMM.011C8C5

November 16, 2005



# Please Direct All Correspondence to Customer Number 20995

# TRANSMITTAL LETTER INFORMATION DISCLOSURE STATEMENT

**Applicant** 

George A. Lopez, M.D.

App. No

10/630,131

Filed

July 30, 2003

For

MEDICAL VALVE

Examiner

Loan H. Thanh

Art Unit

3763

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 16, 2005

(Date)

## Mail Stop Amendment

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Dear Sir:

Enclosed for filing in the above-identified application are:

- An Information Disclosure Statement and PTO/SB/08 equivalent listing references for (X) consideration:
  - (X) Listing 171 references.
  - (X) Enclosing 132 references.
- A check in the amount of \$180 to cover the above fee is enclosed. (X)
- The Commissioner is hereby authorized to charge any additional fees which may be required, or (X) credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

Paul N. Conover

Registration No. 44,087

Attorney of Record

Customer No. 20,995

(949) 760-0404

PA-125

2074015 111605

Customer No. 20,995

Docket No.: ICUMM.011C8C5

NOV 1 & 2005

### **INTERVIEW SUMMARY**

Applicant : George A. Lopez, M.D.

App. No : 10/630,131

Filed : July 30, 2003

For : MEDICAL VALVE

Examiner: Loan H. Thanh

Art Unit : 3763

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November 16, 2005

(Date)

Paul N. Conover, Reg. No. 44,087

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

On Wednesday, November 9, 2005, the Examiner of this application contacted Applicant's undersigned counsel by telephone. The Examiner requested that Applicant provide copies of IDS forms signed by the Examiner by fax transmission. The Examiner also indicated that she had been reviewing the IDS materials previously provided by Applicant and she inquired about the status of the pending lawsuits. Applicant's counsel provided a brief update of the status of the lawsuits and Applicant's counsel explained that additional IDS materials were being gathered and would be filed in the near future for the Examiner to consider. Neither the Examiner nor Applicant's counsel discussed any of the claims in the pending patent application.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/16/05

By: Paul N. Conover

Registration No. 44,087

Attorney of Record

Customer No. 20,995

(949) 760-0404

Customer No. 20,995

Docket No.: ICUMM.011C8C5

NOV 1 8 2005 PART PRADEMA

#### INFORMATION DISCLOSURE STATEMENT

Applicant

George A. Lopez, M.D.

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(Date)

Paul N. Conover, Reg. No. 44,087

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent form listing 171 references to be considered by the Examiner. Copies of 132 items of foreign patent references and/or non-patent literature are enclosed as listed on the Information Disclosure Statement. Copies of the U.S. patents listed on the attached form are not provided because we understand that the Examiner will access and review such patents using an electronic database.

As previously disclosed, the owner of this application, ICU Medical, Inc. ("ICU"), also owns several issued patents in the same family as this application. Some of these patents have been involved in lawsuits filed by ICU against infringers. One of these lawsuits, ICU Medical, Inc. v. B. Braun Medical, Inc., U.S. District Court for the Northern District of California, CV-01-3202 CRB (MFJ), has ended by way of a settlement agreement between the parties. Certain documents relating to this litigation are disclosed herewith, and other documents relating to this litigation have previously been disclosed. Also enclosed is a docket sheet from this lawsuit. The Examiner is invited to contact Applicant's undersigned counsel if the Examiner believes that any other items from this litigation should be disclosed.

Another lawsuit, ICU Medical, Inc. v. Alaris Medical Systems, Inc., U.S. District Court for the Central District of California, CV-04-0689-AHS (VBKx), is proceeding.

Appl. No.

10/630,131

Filed

July 30, 2003

Docket No. ICUMM.011C8C5 Customer No. 20,995

Certain documents relating to this litigation are disclosed herewith, and other documents relating

to this litigation have previously been disclosed. This lawsuit is currently scheduled for trial

next year. Also enclosed is a docket sheet from this lawsuit, which reflects that several matters

are currently pending before the Judge. In connection with one of these matters, Defendant

Alaris Medical Systems, Inc. submitted to the Court an Opposition to ICU Medical's Ex Parte

Application To Continue Motion Hearings and Vacate Briefing Schedule, a copy of which is

enclosed herewith. In this document, Alaris made allegations relating to the present application.

See, e.g., page 9, footnote 8. Although ICU disagrees with many of these allegations, the

Examiner is requested to thoroughly review all of the allegations made by opposing parties in

this and other documents. The Examiner is invited to contact Applicant's undersigned counsel if

the Examiner believes that any other items from this litigation should be disclosed.

This Information Disclosure Statement is being filed before the mailing date of a final

action and before the mailing of a Notice of Allowance. Additional materials may be submitted

for consideration by the Examiner in the future. This Statement is accompanied by the fees set

forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional

fees which may be required or to credit any overpayment to Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/16/05

Paul N. Conover

Registration No. 44,087

Attorney of Record

Customer No. 20,995

(949) 760-0404

2052539 110805

# INFORMATION DISCLOSURE

Application No. 10/630,131

Filing Date July 30, 2003

First Named Inventor George A. Lopez, M.D.

Art Unit 3763

Loan H. Thanh

Multiple sheets used when necessary)

SHEET 1 OF 10 Attorney Docket No. | ICUMM.011C8C5

Examiner

EMARK OFFI	U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	
	1	2,577,780	12/11/51	Lockhart		
	2	4,059,109	11/22/77	Tischlinger		
	3	4,243,150	01/06/81	Gunne et al.		
	4	4,473,369	09/25/84	Lueders et al.		
	5	4,589,879	05/20/86	Pearson		
	6	4,601,703	07/22/86	Herlitze		
	7	4,637,934	01/20/87	White		
	8	4,683,916	08/04/87	Raines		
	9	4,798,605	01/17/89	Steiner et al.		
	10	4,804,366	02/14/89	Zdeb et al.		
	11	5,024,657	06/18/91	Needham et al.		
	12	5,085,645	02/04/92	Purdy et al.		
	13	5,113,911	05/19/92	Hirsh		
	14	5,195,994	03/23/93	Dieringer		
	15	5,242,393	09/07/93	Brimhall et al.	,	
	16	5,306,243	04/26/94	Bonaldo		
	17	5,385,547	01/31/95	Wong et al.		
	18	5,389,086	02/14/95	Attermeier et al.		
	19	5,449,145	09/12/95	Wortrich		
	20	5,470,319	11/28/95	Mayer		
	21	5,509,912	04/23/96	Vaillancourt et al.		
	22	5,549,577	08/27/96	Siegel et al.		
	23	5,690,612	11/25/97	Lopez et al.		
	24	5,730,418	03/24/98	Feith et al.		
	25	5,785,692	07/28/98	Attermeier et al.		
	26	5,873,862	02/23/99	Lopez		
	27	5,901,942	05/11/99	Lopez		
	28	5,928,204	07/27/99	Lopez		
	29	6,113,068	09/05/00	Ryan		

Examiner Signature

Date Considered

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.

	Application No.	10/630,131
INFORMATION DISCLOSURE	Filing Date	July 30, 2003
STATEMENT BY APPLICANT	First Named Inventor	George A. Lopez, M.D.
STATEMENT BY APPLICANT	Art Unit	3763
(Multiple sheets used when necessary)	Examiner	Loan H. Thanh
SHEET 2 OF 10	Attorney Docket No.	ICUMM.011C8C5

	U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevan Figures Appear	
	30	6,132,403	10/17/00	Lopez		
	31	6,132,404	10/17/00	Lopez		
	32	6,325,782	12/04/01	Lopez		
	33	6,572,592	06/03/03	Lopez		
	34	6,599,273	07/29/03	Lopez .		
	35	6,635,044	10/21/03	Lopez		
	36	6,682,509	01/27/04	Lopez		
	37	6,669,673	12/30/03	Lopez		
	38	6,758,833	07/06/04	Lopez		
	39	2004/0034325	02/19/04	Lopez		

	FOREIGN PATENT DOCUMENTS					
Examiner City Initials No		Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	e Name of Patentee or Where Relevant Pa		T <sup>1</sup>
	40	WO 90/12606	11/01/90	Baxter International, Inc.		
	41	WO 91/05581	05/02/91	Baxter International, Inc.		
	42	EP 0472088	02/26/92	Wex Roland	,	
	43	WO 96/17646	06/13/96	Haining		

	NON PATENT LITERATURE DOCUMENTS				
Examiner Initials Cite No. Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), ti		T <sup>1</sup>			
	44	Declaration of George A. Lopez, M.D. dated January 16, 2004 (Australia)			
	45	Declaration of Stuart Esnouf dated February 19, 2004 (Australia)			
	46	Declaration of John Lawrence dated May 5, 2004 (Australia)			
	47	Declaration of John Lawrence dated May 22, 2003 (Australia)			
	48	Declaration of Mary McCaskill dated June 20, 2003 (Australia)			

Examiner Signature	Date Considered
1	

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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STATEMENT BY APPLICANT	Art Unit	3763
(Multiple sheets used when necessary)	Examiner	Loan H. Thanh
SHEET 3 OF 10	Attorney Docket No.	ICUMM.011C8C5

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>1</sup>
	49	Declaration of Rachel Elizabeth Jane Hooke dated June 19, 2003 (Australia)	
	50	Declaration of Joy Blacka dated June 20, 2003 (Australia)	
	51	Translation of Exhibit MM.4 to Declaration of Mary McCaskill dated June 20, 2003 (Australia)	
	52	Translation of European Patent Application No. 0 309 771 by Lotte H. Johnston dated June 5, 1995	
	53	Directions for Baxter "Needle*Less™ Cannula Threaded Lock" with Luer Lock Hub For use with Baxter's Needle*Less™ Injection Sites, Baxter Healthcare Corporation, Deerfield, IL 60016 USA	•
		ICU MEDICAL, INC. V. B. BRAUN MEDICAL, INC.	
	54	U.S. District Court Civil Docket for ICU MEDICAL, INC. v. B. Braun Medical, Inc., Case No. CV 01-3202	
	55	Minute Entry Regarding Motion for Leave to Amend held August 22, 2002	
	56	Minute Entry Regarding Motion Hearing held September 9, 2002	
. <del> </del>	57	Braun's Motion and Memorandum for Invalidity of the '673 Patent Claims Based on 35 U.S.C. § 112, ¶ 1, Filed in Case No. CV 01-3202 CRB (MEJ)	
	58	Declaration of Justin Wilcox in Support of Braun's Motion and Memorandum for Invalidity of the '673 Patent Claims based on 35 U.S.C. § 112, ¶ 1, Filed in Case No. CV 01-3202 CRB (MEJ)	
	59	Declaration of Neil Sheehan in Support of Braun's Motion and Memorandum for Invalidity of the '673 Patent Claims based on 35 U.S.C. § 112, ¶ 1, Filed in Case No. CV 01-3202 CRB (MEJ)	
	60	Braun's Motion and Memorandum Regarding Unresolved Issues of Claim Construction for the '204 Patent and for Summary judgment of Non-Infringement of the '204 Patent, Filed in Case No. CV 01-3202 CRB (MEJ)	
	61	Declaration of Gregory F. Corbett in Support of Braun's Motion and Memorandum Regarding Unresolved Issues of Claim Construction for the '204 Patent and for Summary judgment of Non- Infringement of the '204 Patent, Filed in Case No. CV 01-3202 CRB (MEJ)	
	62	Braun's [Proposed] Order Further Construing '204 Patent Claim Terms and Granting Summary Judgment of Non-Infringement of the '204 Patent, Filed in Case No. CV 01-3202 CRB (MEJ)	
	63	Braun's [Proposed] Order for Summary Judgment of Invalidity of the '673 Patent Claims Based on 35 U.S.C. § 112, ¶ 1, Filed in Case No. CV 01-3202 CRB (MEJ)	
	64	Braun's Motion and Memorandum for Invalidity of the '204 Patent Claims Based on 35 U.S.C. § 112, ¶ 1, Filed in Case No. CV 01-3202 CRB (MEJ)	
	65	Declaration of Justin Wilcox in Support of Braun's Motion and Memorandum for Invalidity of the '204 Patent Claims based on 35 U.S.C. § 112, ¶ 1, Filed in Case No. CV 01-3202 CRB (MEJ)	

Examiner Signature	Date Considered	
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STATEMENT BY APPLICANT	Art Unit	3763
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SHEET 4 OF 10	Attorney Docket No.	ICUMM.011C8C5

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	66	Braun's [Proposed] Order for Summary Judgment of Invalidity of the '204 Patent Claims Based on 35 U.S.C. § 112, ¶ 1, Filed in Case No. CV 01-3202 CRB (MEJ)			
	67	Braun's Notice of Manual Filing for Braun's April 1, 2005 Motions, Filed in Case No. CV 01-3202 CRB (MEJ)			
	68	Plaintiff ICU Medical, Inc.'s Supplemental Trial Brief on Inequitable Conduct, Filed in Case No. CV 01-3202 CRB (MEJ)			
	69	Notice of Errata to File Plaintiff ICU Medical, Inc.'s Corrected Supplemental Trial Brief on Inequitable Conduct, Filed in Case No. CV 01-3202 CRB (MEJ)			
•	70	Braun's Response to Plaintiff ICU Medical, Inc.'s Supplemental Trial Brief, Filed in Case No. CV 01-3202 CRB (MEJ)			
	71	Braun's Motion and Memorandum to Limit trial Testimony of Steven J. Nataupsky, Filed in Case No. CV 01-3202 CRB (MEJ)			
	72	Declaration of Justin Wilcox in Support of Braun's Motion and Memorandum to Limit Trial Testimony of Steven J. Nataupsky, Filed in Case No. CV 01-3202 CRB (MEJ)			
	73	[Proposed] Order to Limit trial Testimony of Steven J. Nataupsky, Filed in Case No. CV 01-3202 CRB (MEJ)			
	74	Notice of Manual Filing of Braun's Motion and Memorandum of Limit Trial Testimony of Steven J. Nataupsly, Filed in Case No. CV 01-3202 CRB (MEJ)			
	75	Braun's Motion and Memorandum in Support of Introducing by Videotape Designated Portions of the Depositions of Thomas Fangrow and Randy Prozeller, Filed in Case No. CV 01-3202 CRB (MEJ)			
	76	Declaration of Justin Wilcox in Support of Braun's Motion and Memorandum to Allow Deposition Designations of Thomas Fangrow and Randy Prozeller, Filed in Case No. CV 01-3202 CRB (MEJ)			
	77	Braun's Proposed Order to Introduce by Videotape Designated Portions of Depositions of Thomas Fangrow and Randy Prozeller, Filed in Case No. CV 01-3202 CRB (MEJ)			
	78	ICU Medical, Inc.'s Opposition to Braun's Motion for Summary Judgment of Invalidity of the '673 Patent Claims based on 35 U.S.C. § 112, ¶ 1, Filed in Case No. CV 01-3202 CRB (MEJ)			
	79	Declaration of Susan V. Vaughn in Support of ICU Medical, Inc.'s Opposition to Braun's Motion for Summary Judgment of Invalidity of the '673 Patent Claims based on 35 U.S.C. § 112, ¶ 1, Filed in Case No. CV 01-3202 CRB (MEJ)			
	80	Proposed Order Denying Braun's Motion for Summary Judgment of Invalidity of the '673 Patent Claims based on 35 U.S.C. § 112, Filed in Case No. CV 01-3202 CRB (MEJ)			
	81	ICU Medical, Inc.'s Opposition to Braun's Motion for Summary Judgment of Invalidity of the '204 Patent Claims based on 35 U.S.C. § 112, ¶ 1 Filed in Case No. CV 01-3202 CRB (MEJ)			
	82	Declaration of Adrienne L. Taclas in Support of ICU Medical, Inc.'s Opposition to Braun's Motion for Summary Judgment of Invalidity of the '204 Patent Claims based on 35 U.S.C. § 112, ¶ 1 Filed in Case No. CV 01-3202 CRB (MEJ)			
	83	Proposed Order Denying Braun's Motion for Summary Judgment of Invalidity of the '204 Patent Claims based on 35 U.S.C. § 112, Filed in Case No. CV 01-3202 CRB (MEJ)			

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	84	ICU Medical, Inc.'s Opposition to Braun's Motion Regarding Unresolved Issues of Claim Construction for the '204 Patent and for Summary Judgment of Non-Infringement of the '204 Patent, Filed in Case No. CV 01-3202 CRB (MEJ)	
	85	Declaration of Mary T. Huser in Support of ICU Medical, Inc.'s Opposition to Braun's Motion Regarding Unresolved Issues of Claim Construction for the '204 Patent and for Summary Judgment of Non-Infringement of the '204 Patent, Filed in Case No. CV 01-3202 CRB (MEJ)	
	86	[Proposed] Order Denying Braun's Motion Regarding Unresolved Issues of Claim Construction for the '204 Patent and for Summary Judgment of Non-Infringement of the '204 Patent, Filed in Case No. CV 01-3202 CRB (MEJ)	
•	87	Declaration of Maureen Reitman in Support of ICU Medical, Inc.'s Opposition to Braun's Motion for Summary Judgment, Filed in Case No. CV 01-3202 CRB (MEJ)	
•	88	Declaration of Devinder Grewal in Support of ICU Medical, Inc.'s Oppositions to Braun's Motion for Summary Judgment, Filed in Case No. CV 01-3202 CRB (MEJ)	
	89	ICU Medical, Inc.'s Opposition to Braun's Motion in Limine re Nataupsky's Testimony, Filed in Case No. CV 01-3202 CRB (MEJ)	
,	90	Plaintiff ICU Medical, Inc.'s Opposition to Braun's Motion Seeking to Introduce Deposition Testimony from Randy Prozeller and Thomas Fangrow, Filed in Case No. CV 01-3202 CRB (MEJ)	
	91	Declaration of Susan V. Vaughan in Support of ICU Medical, Inc.'s Opposition to Braun's Motion Seeking to Introduce Deposition Testimony from Randy Frozeller and Thomas Fangrow, Filed in Case No. CV 01-3202 CRB (MEJ)	
	92	[Proposed] Order Denying Braun's Motion Seeking to Introduce Deposition Testimony from Randy Prozeller and Thomas Fangrow, Filed in Case No. CV 01-3202 CRB (MEJ)	
	93	B. Braun Medical Inc.'s Responses to Plaintiff's First Set Interrogatories, Filed in Case No. CV 01-3202 CRB	
	94	B. Braun Medical Inc.'s First Supplemental Responses to Plaintiff's First Set of Interrogatories, Filed in Case No. CV 01-3202 CRB	
	95	B. Braun Medical Inc.'s Responses to Plaintiff's Third Set of Interrogatories, Filed in Case No. CV 01-3202 CRB	<u>-</u>
	96	B. Braun medical Inc.'s Further Supplemental Responses to Plaintiff's First and Second Set of Interrogatories, Filed in Case No. CV 01-3202 CRB	
	97	B. Braun Medical Inc.'s Further Supplemental Responses to Plaintiff's First Set of Interrogatories, Filed in Case No. CV 01-3202 CRB	
	98	B. Braun medical Inc.'s First Supplemental Responses to Plaintiff's Third Set of Interrogatories, Filed in Case No. CV 01-3202 CRB	
	99	B. Braun Medical Inc.'s Responses to Plaintiff's Fourth Set of Interrogatories, Filed in Case No. CV 01-3202 CRB	
	100	Second Supplemental Responses of Plaintiff ICU Medical, Inc. to Defendant B. Braun Medical, Inc.'s First Set of Interrogatories (Nos. 11-12), Filed in Case No. CV 01-3202 CRB	

Examiner Signature	Date Considered
*Examiner: Initial if reference considered, whether or not citation in conformance and not considered. Include copy of this form with	n is in conformance with MPEP 609. Draw line through citation if not the next communication to applicant.

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(Multiple sheets used when necessary)	Examiner	Loan H. Thanh
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NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Τ¹	
	101	Plaintiff ICU Medical, Inc.'s Objections and Responses to Defendant's Second Set of Interrogatories, Filed in Case No. CV 01-3202 CRB		
	102	Plaintiff ICU Medical, Inc.'s Supplemental Responses to Defendant B. Braun Medical, Inc.'s Interrogatories 20, 26, 27, 28, 29, 30 and 33, Filed in Case No. CV 01-3202 CRB		
	103	Plaintiff ICU Medical, Inc.'s Objections and Responses to Defendant B. Braun Medical Inc.'s Fourth set of Interrogatories, Filed in Case No. CV 01-3202 CRB		
-	104	Plaintiff ICU Medical, Inc.'s Response to Defendant B. Braun Medical, Inc.'s Sixth Set of Interrogatories, Filed in Case No. CV 01-3202 CRB		
•	105	Plaintiff ICU Medical, Inc.'s Response to Defendant B. Braun Medical, Inc.'s First Set of Request for Admissions, Filed in Case No. CV 01-3202 CRB		
<b>a</b> )	106	Excerpts of Transcript of Deposition of Neil Sheehan taken on August 13, 2002 in Case No. CV 01-3202 CRB	-	
	107	Excerpts of Transcript of Deposition of Neil Sheehan taken on August 13, 2002, Volume 2, taken August 13, 2002 in Case No. CV 01-3202 CRB		
	108	Excerpts of Transcript of Deposition of Neil Sheehan with Exhibits attached taken on March 23, 2005, volume III, taken March 23, 2005 in Case No. CV 01-3202 CRB		
	109	Excerpts of Transcript of Deposition of James T. Carmichael taken on March 16, 2005 in Case No. CV 01-3202 CRB		
	110	Excerpts of Transcript of Deposition of Thomas F. Fangrow, Jr., taken on July 17, 2002 in Case No. CV 01-3202 CRB		
	111	Excerpts of Transcript of Deposition of ICU Medical, Inc., through its 30(b)6 witness, George Lopez, Volume I, taken December 9, 2004, with Exhibits, in Case No. CV 01-3202 CRB		
	112	Excerpts of Transcript of Deposition of Steven Nataupsky, taken December 10, 2004, with Exhibits, in Case No. CV 01-3202 CRB		
	113	Excerpts of Videotaped Deposition of Michael Sofocleous taken March 18, 2005, with Exhibits, in Case No. CV 01-3202 CRB		
	114	Excerpts of Transcript of Expert Deposition of Dana Randy Prozeller, taken July 19, 2002, in Case No. CV 01-3202 CRB		
	115	Construction, Filed in Case No. CV 01-3202 CRB		
	116	Declaration of Michael Sofocleous in Support of ICU Medical, Inc.'s Reply for Summary Judgment on B. Braun Medical, Inc.'s Inequitable Conduct Defense, Filed in Case No. CV 01-3202 CRB		
	117	Declaration of James T. Carmichael, Esq. In Support of Braun's Memorandum of Points and Authorities in Opposition to Plaintiff ICU Medical, Inc.'s Motion for Summary Judgment of No Inequitable Conduct, Filed in Case No. CV 01-3202 CRB		
	118	Expert Report of Michael Sofocleous, Filed in Case No. CV 01-3202 CRB		
	119	Expert Report of Neil Sheehan on the Validity of the '204 and '673 Patents, Filed in Case No. CV 01-3202 CRB		

Examiner Signature	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance and not considered. Include copy of this form with r	

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SHEET 7 OF 10	Attorney Docket No.	ICUMM.011C8C5

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>1</sup>
	120	Expert Report of Devinder Grewel in Rebuttal of Neil Sheehan's Report on Validity of the '204 and '673 Patents, Filed in Case No. CV 01-3202 CRB	
	121	Expert Report of Neil Sheehan in Reply to the 2/4/05 Report of Devinder Grewal on the Validity of the '204 and '673 Patents, Filed in Case No. CV 01-3202 CRB	
	122	Rule 26(a)(2) Expert Report of James T. Carmichael, Filed in Case No. CV 01-3202 CRB	
	123	Reply Expert Report of James T. Carmichael, Filed in Case No. CV 01-3202 CRB	
•	124	Transcript of Trial Proceedings of April 18, 2005, Filed in Case No. CV 01-3202 CRB	
	125	Transcript of Trial Proceedings of April 19, 2005, Filed in Case No. CV 01-3202 CRB	
		ICU MEDICAL, INC. v ALARIS MEDICAL, INC.	
	126	U.S. District Court Civil Docket for ICU MEDICAL, INC. V. ALARIS MEDICAL SYSTEMS, INC., Case No. SA CV 04-0689	
	127	Letter from Scott McBride to S. Christian Platt, Esq. Regarding Alaris's Proposed Second Amended Answer to ICU's Amended Complaint and Declaratory Judgment Counterclaims, Filed in Case No. SA CV 04-0689 AHS (RNBx)	
	128	Plaintiff ICU Medical, Inc.'s Initial Disclosure of Asserted Claims and Preliminary Infringement Contentions Under Adopted Patent L.R. 3-1, Filed in Case No. SA CV 04-0689 AHS (RNBx)	
	129	Notice of Errata and Supplemental Initial Disclosure of Asserted Claims and Preliminary Infringement Contentions Under Adopted Patent L.R. 3-1, Filed in Case No. SA CV 04-0689 AHS (RNBx)	
	130	Alaris's Preliminary Invalidity Contentions Relating to U.S. Patent Nos. 5,685,866; 5,873,862; 6,572,592 and 6,682,509 (Pursuant to Discovery Agreement), Filed in Case No. SA CV 04-0689 AHS (RNBx)	
	131	Plaintiff ICU Medical, Inc.'s Proposed Terms and Claim Elements for Construction Pursuant to Adopted Patent L.R. 4-1, Filed in Case No. SA CV 04-0689 AHS (RNBx)	
	132	Alaris's Proposed Terms and Claim Elements for Construction (Pursuant to Discovery Agreement), Filed in Case No. SA CV 04-0689 AHS (RNBx)	_
	133	Alaris's Supplemental Proposed Terms and Claim Elements for Construction (Pursuant to Discovery Agreement, Filed in Case No. SA CV 04-0689 AHS (RNBx)	
	134	Alaris's Supplemental Preliminary Invalidity Contentions Relating to U.S. Patent Nos. 5,685,866; 5,873,862; 6,572,592 and 6,682,509 (Pursuant to Discovery Agreement), Filed in Case No. SA CV 04-0689 AHS (RNBx)	
	135	ICU Medical, Inc.'s Answer to Alaris Medical Systems, Inc.'s Declaratory, Judgment Counterclaims	·
	136	Defendant Alaris Medical System, Inc.'s Opposition to ICU Medical's Ex Parte Application to Continue Motion Hearings and Vacate Briefing Schedule, Filed in Case No. SA CV 04-0689 AHS (RNBx)	

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*Examiner: Initial if reference considered, whether or not citation is in confortin conformance and not considered. Include copy of this form with next comm	

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.

	Application No.	10/630,131
INFORMATION DISCLOSURE	Filing Date	July 30, 2003
STATEMENT BY APPLICANT	First Named Inventor	George A. Lopez, M.D.
	Art Unit	3763
(Multiple sheets used when necessary)	Examiner	Loan H. Thanh
SHEET 8 OF 10	Attorney Docket No.	ICUMM.011C8C5

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	137	Plaintiff ICU Medical Inc.'s Supplemental Evidence to ICU's Preliminary Proposed Claim Construction Pursuant to Adopted patent L.R. 402, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	138	ICU's Ex Parte Application for the Protective Order Staying Alaris's Subpoena of Kipe Molds, Inc. with Exhibits, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	139	Declaration of Marc David Peters in Support of ICU's Ex Parte Application for a Protective Order Staying Alaris's Subpoena of Kipe Molds, Inc., Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	140	Defendant Alaris Medical Systems, Inc.'s Memorandum of Points and Authorities in Support of Alaris's Motion for Leave to Modify the Scheduling Order and File a Second Amended Answer and Counterclaims, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
•	141	Alaris Medical Systems, Inc.'s [Proposed] Second Amended Answer to Amended Complaint and Declaratory Judgment Counterclaims, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	142	Declaration of Scott P. McBride in Support of Defendant Alaris Medical Systems, Inc.'s Memorandum of Points and Authorities in Support of Alaris's Motion for Leave to Modify the Scheduling Order and File a Second Amended Answer and Counterclaims, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	143	Defendant Alaris Medical Systems, Inc.'s Notice of Motion and Motion for Sanctions Pursuant to Fed. R. Civ. P. 11, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	144	Defendant Alaris Medical Systems, Inc.'s Memorandum of Points and Authorities in Support of Alaris's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	145	Defendant Alaris Medical Systems, Inc.'s Notice of Motion and Motion for partial Summary Judgment of Noninfringement of "Spike" Claims, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	146	Declaration of Janice F. McCampbell in Support of Alaris's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 and Motion for partial Summary judgment of Noninfringement of "Spike" Claims, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	147	Declaration of Jonathan Wygant in Support of Alaris Medical Systems, Inc.'s Motion for Sanctions Pursuant to Fe. R. Civ. P. 11 and Motion for Partial Summary Judgment of noninfringement of "Spike" Claims, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	148	Declaration of David D. Headrick in Support of Defendant Alaris Medical Systems, Inc.'s Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 and Motion for partial Summary Judgment of Noninfringement of "Spike" Claims, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	149	Memorandum of Points and Authorities in Support of Alaris's Motion for Partial Summary Judgment of Noninfringement of "Spike" Claims, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	150	[Proposed] Statement of Uncontroverted Facts and Conclusions of Law in Support of Alaris's Motion for Partial Summary Judgment of Noninfringement of "Spike" Claims, Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	151	Defendant Alaris Medical Systems, Inc.'s Opposition to ICU's Ex Parte Application for a Protective Order Staying Alaris's Subpoena of Kipe Molds, Inc., Filed in Case No. SA CV 0-0689 AHS (RNBx)	
	152	Declaration of David D. Headrick in Support of Defendant Alaris Medical Systems, Inc.'s Opposition to ICU's Ex Parte Application for a Protective Order Staying Alaris's Subpoena of Kipe Molds, Inc., Filed in Case No. SA CV 0-0689 AHS (RNBx)	

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	153	Declaration of Timothy J. Malloy in Support of Defendant Alaris Medical Systems, Inc.'s Opposition to ICU's Ex Parte Application for a Protective Order Staying Alaris's Subpoena of Kipe Molds, Inc., Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	154	Supplemental Declaration of Scott P. McBride in Support of Defendant Alaris Medical Systems, Inc.'s Opposition to ICU's Ex Parte Application for a Protective Order Staying Alaris's Subpoena of Kipe Molds, Inc., Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	155	Order on ICU's Ex Parte Application for a Protective Order Regarding Alaris's Subpoena of Kipe Molds, Inc., Filed in Case No. SA CV 0-0689 AHS (RNBx)		
•	156	Stipulation and [Proposed] Order to (a) Modify the October 4, 2004 Scheduling Order and (2) Bifurcate the Trial and All Discovery Regarding ICU's Willfulness Claim, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	157	ICU Medical's Ex Parte Application to Continue Motion hearings and Vacate Briefing Schedule, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	158	Memorandum of Law in Support of ICU Medical's Ex Parte Application to Continue Motion hearings and Vacate Briefing Schedule and attached Exhibits, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	159	Declaration of Marc David Peters in Support of ICU Medical's Ex Parte Application to Continue Motion Hearings and Vacate Briefing Schedule, with Exhibits, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	160	Defendant Alaris Medical Systems, Inc.'s Opposition to ICU Medical's Ex Parte Application to Continue Motion hearings and Vacate Briefing Schedule, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	161	Supplemental Declaration of Scott P. McBride in Support of Defendant Alaris Medical Systems, Inc.'s Opposition to ICU's Ex Parte Application to Continue Motion Hearings and Vacate Briefing Schedule, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	162	Order Granting ICU Medical's Ex Parte Application to Continue Motion Hearings in Part, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	163	Defendant Alaris Medical Systems, Inc.'s Opposition to Plaintiff's Motion to Strike and Dismiss Affirmative Defenses and Counterclaims of Alaris's First Amended Answer & Counterclaims to ICU's First Amended Complaint, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	164	Defendant Alaris Medical Systems, Inc.'s Notice of Errata to its Opposition to Plaintiff's Motion to strike and Dismiss Affirmative Defenses and Counterclaims of Alaris's First Amended Answer & Counterclaims to ICU's First Amended Complaint, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	165	Plaintiff ICU Medical Inc.'s Reply to Defendant Alaris Medical Systems, Inc.'s Opposition to Plaintiff's Motion to Strike and Dismiss Affirmative Defenses and Counterclaims of Alaris's First Amended Answer & Counterclaims to ICU's First Amended Complaint, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	166	Plaintiff ICU Medical Inc.'s Preliminary Proposed Claim Construction Pursuant to Adopted Patent L.R. 4-2, Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	167	Alaris's Preliminary Claim Constructions and Preliminary Supporting Extrinsic Evidence (Pursuant to Discovery Agreement), Filed in Case No. SA CV 0-0689 AHS (RNBx)		
	168	Alaris's Preliminary Claim Constructions and Supplemental Preliminary Supporting Extrinsic Evidence (Pursuant to Discovery Agreement), Filed in Case No. SA CV 0-0689 AHS (RNBx)		

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PTO/SB/08 Equivalent

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STATEMENT OF APPLICANT	Art Unit	3763
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	169	Alaris's Portion of the Joint Claim Construction Statement (Pursuant to Discovery Agreement), Filed in Case No. SA CV 0-0689 AHS (RNBx)			
	170	ICU's Proposed Claim Construction and Support for Joint Terms, Phrases, or Clauses (Exhibit A), Filed in Case No. SA CV 0-0689 AHS (RNBx)			
	171	Parties' Proposed Preliminary Claim Construction (Adopted Patent L.R. 4-2, as exchanged June 3, 2005), Filed in Case No. SA CV 0-0689 AHS (RNBx)			

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Examiner Signature

**Date Considered** 

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